



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

RMT:MTK
F. #2016R00664

*271 Cadman Plaza East
Brooklyn, New York 11201*

July 15, 2019

By ECF

The Honorable Margo K. Brodie
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Jason Christopher Hughes
Criminal Docket No. 17-173 (MKB)

Dear Judge Brodie:

The government respectfully submits this letter in response to the defendant's motion to withdraw his guilty plea dated June 28, 2019. (ECF No. 33). As the Court is aware, on December 18, 2017, the defendant pleaded guilty pursuant to a plea agreement before the Honorable Steven M. Gold, United States Magistrate Judge, to two counts of transmitting threats to injure, in violation of 18 U.S.C. § 875(c). (ECF No. 18). The defendant was scheduled to be sentenced on July 2, 2019.

In the instant motion, the defendant seeks relief from his guilty plea pursuant to Federal Rule of Criminal Procedure 11(d)(2)(B). However, as the Court has yet to accept the defendant's plea, it is the government's position that any motion to withdraw the plea is more properly made pursuant to Rule 11(d)(1). Under that provision, a defendant may withdraw a plea of guilty "before the court accepts the plea, for any reason or no reason." Fed. R. Crim. P. 11(d)(1). Indeed, the Second Circuit has stated that "a defendant may, as a matter of right, withdraw his guilty plea before it has been accepted by the district court." United States v. Lopez, 385 F.3d 245, 250 (2d Cir. 2004). Accordingly, the government

consents to the withdrawal of the guilty plea and respectfully requests that the Court schedule a trial date for this matter.

Respectfully submitted,

RICHARD P. DONOGHUE
United States Attorney

By: /s/
Michael T. Keilty
Assistant U.S. Attorney
(718) 254-7528

cc: Amanda David, Esq. (by ECF and Email)
Clerk of Court (MKB) (by ECF)